

### **REMARKS**

In the non-final Office Action, the Examiner rejects claims 1, 2, 8-11, 15, 16, 20, 24, 26, 27, 34, 37, and 38 under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. (U.S. Patent No. 6,745,027) in view of BENDER et al. (U.S. Patent No. 7,058,031); rejects claims 4-6, 12-14, 21-23, 25 and 35 under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. in view of BENDER et al., and further in view of BALACHANDRAN et al. (U.S. Patent Application Publication No. 2004/0230638); rejects claims 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. in view of BENDER et al., and further in view of BAHL et al. (U.S. Patent Application Publication No. 2004/0218580); rejects claims 7 and 36 under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. in view of BENDER et al. and BALACHANDRAN et al., and further in view of BAHL et al.; allows claims 17-19; and objects to claims 3 and 33 as being dependent upon a rejected base claim.

By way of this Amendment, claims 3, 32, and 33 have been canceled, without prejudice or disclaimer, and claims 1, 20, 26, 30, 34, and 37 have been amended to improve form. Claims 1, 2, 4-31, and 34-38 are now pending in the present application. In view of the foregoing amendments and the following remarks, all claims are believed to be in condition for allowance.

As an initial matter, Applicant acknowledges, with appreciation, the allowance of claims 17-19 and the indication that claims 3 and 33 would be allowable if rewritten in independent form.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 2, 8-11, 15, 16, 20, 24, 26, 27, 34, 37, and 38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. in view of BENDER et al. Applicant respectfully traverses this rejection.

While not concurring with the rejection, but to expedite prosecution, independent claim 1 has been amended to recite the features previously recited in claim 3. Since claim 3 was indicated as allowable if rewritten in independent form, claim 1 is now believed to be in condition for allowance. Accordingly, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2, 8-11, 15, 16 are dependent on claim 1 and are believed to be allowable for at least the reasons claim 1 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 2, 8-11, 15, and 16 are respectfully requested.

While not concurring with the rejection, but to expedite prosecution, independent claims 20, 26, 34, and 37 have been amended to recite features similar to features previously recited in claim 3. Since claim 3 was indicated as allowable if rewritten in independent form, claims 20, 26, 34, and 37 are now believed to be in condition for allowance. Accordingly, withdrawal of the rejection and allowance of claims 20, 26, 34, and 37 are respectfully requested.

Claim 24 is dependent on claim 20 and is believed to be allowable for at least the reasons claim 20 is allowable. Accordingly, withdrawal of the rejection and allowance of claim 24 are respectfully requested.

Claim 27 is dependent on claim 26 and is believed to be allowable for at least the reasons claim 26 is allowable. Accordingly, withdrawal of the rejection and allowance of claim 27 are respectfully requested.

Claim 38 is dependent on claim 37 and is believed to be allowable for at least the reasons claim 37 is allowable. Accordingly, withdrawal of the rejection and allowance of claim 38 are respectfully requested.

Claims 4-6, 12-14, 21-23, 25 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. in view of BENDER et al., and further in view of BALACHANDRAN et al.. Applicant respectfully traverses this rejection.

Claims 4-6 and 12-14 depend from claim 1. Applicant respectfully submits that the disclosure of BALACHANDRAN et al. does not remedy the deficiencies of TWITCHELL, Jr. and BENDER et al. set forth above with respect to claim 1. Accordingly, claims 4-6 and 12-14 are patentable over TWITCHELL, Jr., BENDER et al., and BALACHANDRAN et al., whether taken alone or in any reasonable combination, for at the reasons set forth above with respect to claim 1.

Claims 21-23 and 25 depend from claim 20. Applicant respectfully submits that the disclosure of BALACHANDRAN et al. does not remedy the deficiencies of TWITCHELL, Jr. and BENDER et al. set forth above with respect to claim 20. Accordingly, claims 21-23 and 25 are patentable over TWITCHELL, Jr., BENDER et al., and BALACHANDRAN et al., whether taken alone or in any reasonable combination, for at the reasons set forth above with respect to claim 20.

Claim 35 depends from claim 34. Applicant respectfully submits that the disclosure of BALACHANDRAN et al. does not remedy the deficiencies of TWITCHELL, Jr. and BENDER et

al. set forth above with respect to claim 34. Accordingly, claim 35 is patentable over TWITCHELL, Jr., BENDER et al., and BALACHANDRAN et al., whether taken or in any reasonable combination, for at the reasons set forth above with respect to claim 34.

Claims 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. in view of BENDER et al., and further in view of BAHL et al.. Applicant respectfully traverses this rejection.

Claims 28 and 29 depend from claim 26. Applicant respectfully submits that the disclosure of BAHL et al. does not remedy the deficiencies of TWITCHELL, Jr. and BENDER et al. set forth above with respect to claim 26. Accordingly, claims 28 and 29 are patentable over TWITCHELL, Jr., BENDER et al., and BALACHANDRAN et al., whether taken alone or in any reasonable combination, for at the reasons set forth above with respect to claim 26.

Claims 7 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over TWITCHELL, Jr. in view of BENDER et al. and BALACHANDRAN et al., and further in view of BAHL et al. Applicant respectfully traverses this rejection.

Claim 7 depends from claim 5. Applicant respectfully submits that the disclosures of BAHL et al. does not remedy the deficiencies of TWITCHELL, Jr., BENDER et al., and BALACHANDRAN et al. set forth above with respect to claim 5. Accordingly, claim 7 is patentable over TWITCHELL, Jr., BENDER et al., BALACHANDRAN et al. and BAHL et al., whether taken alone or in any reasonable combination, for at the reasons set forth above with respect to claim 5.

Claim 36 depends from claim 35. Applicant respectfully submits that the disclosures of BAHL et al. does not remedy the deficiencies of TWITCHELL, Jr., BENDER et al., and BALACHANDRAN et al. set forth above with respect to claim 35. Accordingly, claim 36 is patentable over TWITCHELL, Jr., BENDER et al., BALACHANDRAN et al. and BAHL et al., whether taken alone or in any reasonable combination, for at the reasons set forth above with respect to claim 35.

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-266 from which the undersigned is authorized to draw.

Dated: December 26, 2007

Respectfully submitted,

By   
\_\_\_\_\_  
Edward A. Gordon

Registration No.: 54,130  
ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110  
(617) 951-7000  
(617) 951-7050 (Fax)  
Attorneys/Agents For Applicant